

REMARKS

The Examiner is thanked for the performance of a thorough search. Claims 6-8, 10-11, 13, 15-19, 21, 23-25, and 27-30 have been amended. Claims 2-4, 9, 12, 14, and 20 have been cancelled. Claims 31-40 have been added. Thus, Claims 1-40 are currently pending in the application.

No new matter has been added. Support for claim 31 can be found at least in paragraph 37, Applicant's specification. Support for claim 32 can be found at least in paragraph 44. Support for claims 33-34 can be found at least in paragraph 42. Support for claim 35 can be found at least in paragraph 43. Support for claims 36-40 can be found at least in paragraph 56.

Claim 9 was objected to. Claim 9 has been cancelled.

Claims 18-23 were rejected under 35 USC § 101. In response, Claim 18 was amended.

Various claims were rejected under 35 USC § 112 for use of the phrase "second software component". In response, various of these Claims were either amended or cancelled. Support for these amendments can be found at least within paragraph 54, lines 7-8, and paragraph 57, line 3 of Applicant's specification.

Claims 1-30 have been rejected under 35 U.S.C. § 103 as allegedly unpatentable over U.S. Publication Number 2002/0019864 A1 to Mayer, in view of U.S. Application Number 2003/0177223 to Erickson. In response, Claims 1, 7, 11, 18, and 24 have been amended to explicitly recite storing software upgrades in a component cache. This feature is not recited or suggested in either Erickson or Mayer. Support for this amendment can be found at least within paragraph 39 of Applicant's specification.

Erickson's memory 120 cited by the Office Action on page 13, section 18 can not suggested the claimed cache. Erickson's memory 120 is shown and described as corresponding only to the service processor 112 (FIG. 1). Meanwhile, Applicant's component cache 360 is for storing all upgrades of all versions of software, regardless of where they execute within the network system 100.

Additionally, claims 1, 7, 18, and 24 have been amended to recite assessing the software dependencies and compatibilities of at least the first and second software

components. Support for this amendment can be found at least within paragraph 54 of Applicant's specification.

This feature is neither shown nor suggested by any combination of the prior art asserted thus far. Erickson's recipe table 144 is used for legacy purposes only (paragraph 22) and does not disclose assessing software dependencies and compatibilities.

For at least the above reasons, the rejections of claims 1-30 under 35 U.S.C. § 103, as well as all claims dependent therefrom, can now be withdrawn.

The Applicant believes that all issues raised in the Office Action have been addressed and that allowance of the pending claims is appropriate. After entry of the amendments, further examination on the merits is respectfully requested.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

To the extent necessary to make this reply timely filed, the Applicant petitions for an extension of time under 37 C.F.R. § 1.136.

If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION VIA EFS-
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Pursuant to 37 C.F.R. 1.8(a)(1)(ii), I hereby certify that this correspondence is being transmitted to the United States Patent & Trademark Office via the Office electronic filing system in accordance with 37 C.F.R. §§1.6(1)(4) and 1.8(a)(1)(i)(C) on the date indicated below and before 9:00 PM PST.

Submission date: July 5, 2007 by /Chris Tanner/